

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DESMOND CAMP, ET AL.,

Petitioners,

Case No. 2:20-cv-11667

v.

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

JONATHAN HEMINGWAY, ET AL.,

Respondents.

**OPINION AND ORDER SUMMARILY DISMISSING THE PETITION FOR
A WRIT OF HABEAS CORPUS**

I. INTRODUCTION

Desmond Camp, Paul Walker, Gary Harris, Prince Albert-Junior Thompson, Bernardo Vargas-Adomes, Aaseem Alam, Bryant Daugherty, Anthony Edwards, Thomas G. Thompson (together, “Petitioners”), confined at the Federal Correctional Institution in Milan, Michigan, filed a joint *pro se* application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. On July 9, 2020, Magistrate Judge R. Steven Whalen signed an “Order to Correct Deficiency,” in which Petitioners were ordered to submit a \$5.00 fee for filing a habeas corpus petition or an application to proceed *in forma pauperis* within twenty-one days of the order. At the time of this writing, Petitioners have neither submitted the \$5.00 filing fee or an

application to proceed *in forma pauperis*. For the reasons that follow, Petitioner's petition for a writ of habeas corpus (ECF No. 1) is dismissed without prejudice.

II. DISCUSSION

Upon review of the present matter, the Court finds that Petitioners failed to comply with the order of deficiency by either submitting the \$5.00 filing fee or an application to proceed *in forma pauperis*.

If a prisoner who seeks habeas corpus relief does not comply with a district court's directions in a deficiency order—including directions regarding the prisoner's failure to pay the full filing fee or provide the required documentation to apply to proceed *in forma pauperis*—the district court must presume that the prisoner is not a pauper, assess the full filing fee, and dismiss the case for want of prosecution. *See Gravitt v. Tyszkiewicz*, 14 F. App'x 348, 349 (6th Cir. 2001) (citing *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997)). Here, the deficiency order clearly stated that Petitioners were required to submit either the \$5.00 filing fee or an application to proceed *in forma pauperis*. ECF No. 3. Moreover, the deficiency order expressly warned Petitioners that their failure to comply with the order could result in the dismissal of their action. *Id.* In light of Petitioners' failure to pay the requisite filing fee or submit the required application to proceed *in forma pauperis*, the petition is subject to dismissal for want of prosecution. *Gravitt*, 14 F. App'x at 349; *see also Bischoff v. Genesis House*, No. 06-cv-10231, 2006 WL

752755, at *1 (E.D. Mich. Mar. 21, 2006). Accordingly, the petition for a writ of habeas corpus is summarily dismissed without prejudice.

III. ORDER

IT IS HEREBY ORDERED that the Petition for a Writ of Habeas Corpus (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**. Nothing in this order precludes Petitioners from submitting a new habeas petition or petitions with payment of the filing fee or the *in forma pauperis* application

SO ORDERED.

Dated: September 24, 2020

/s/Gershwin A. Drain
GERSHWIN A. DRAIN
United States District Judge

CERTIFICATE OF SERVICE

A Copy of this Order was served on Desmond Camp, No. 31249-039, Federal Correctional Institution Milan, P.O. Box 1000, Milan, Michigan 48160 on September 24, 2020, by electronic and/or ordinary mail.

/s/ Teresa McGovern
Deputy Clerk